

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

THE WEST VIRGINIA COALITION AGAINST
DOMESTIC VIOLENCE, INC.,

Plaintiff,

v.

PATRICK J. MORRISEY, in his official
capacity as Attorney General for the
State of West Virginia,

Defendant.

Civil Action No. 2:19-cv-00434
(Judge John T. Copenhaver, Jr.)

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff The West Virginia Coalition Against Domestic Violence (the “Coalition”) moves for summary judgment on all of its claims against Defendant, Patrick J. Morrissey, in his official capacity as Attorney General for the State of West Virginia. Specifically, the Court should conclude that: (1) two of the statutory provisions challenged here, W. Va. Code § 61-7-14(d)(2)(A) & (C), facially violate the First Amendment because they are content-based and speaker-based restrictions on speech that cannot overcome strict scrutiny; (2) the challenged statute as a whole, as applied to the Coalition’s members, violates their First Amendment rights to freely associate; (3) the statute as a whole, as applied to the Coalition’s members, violates their due-process rights to personal security on their own private property; and (4) the statute’s provisions are unconstitutionally vague under the Fourteenth Amendment. For the reasons set forth in the contemporaneously filed Memorandum of Law, as well as the declarations and exhibits attached thereto, the Court should grant summary judgment to the Coalition.

Dated: March 15, 2021

Respectfully submitted,

/s/ Lucas R. White

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2021, I electronically filed the foregoing brief with the Clerk of The United States District Court for the Southern District of West Virginia using the CM/ECF system. All participants are registered CM/ECF users and have been served by the CM/ECF system.

/s/ Lucas R. White
Lucas R. White

*Counsel for Plaintiff The West Virginia
Coalition Against Domestic Violence, Inc.*